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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,607	07/06/2001	Narihira Takemura	14764	6060
23389	7590	07/01/2004	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			CHEN, WENPENG	
			ART UNIT	PAPER NUMBER
			2624	
DATE MAILED: 07/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/900,607	TAKEMURA, NARIHIRA
	<b>Examiner</b>	<b>Art Unit</b>
	Wenpeng Chen	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2.4</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-5 and 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the following reasons.

There are insufficient antecedent bases for the following limitations.

- Claim 2 recites the limitation "said scanning line interval" in lines 9-10.
- Claim 7 recites the limitation "said scanning line interval" in lines 6-7.

***Claim Interpretation***

4. To compare with the prior art, the Examiner makes the following interpretation:

- In Claims 2 and 7, replace the limitation "said scanning line interval" with "the interval of the scanning line".

-- In Claims 3 and 8, replace the limitation "said scanning line interval" with "a scanning line interval that represents a number of lines" based on the Examiner's understanding of specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tadayoshi (JP 09-247423 listed in IDS paper #4).

Tadayoshi teaches an image compressing apparatus (section 0019) comprising:

-- a specification portion which specifies a restart interval for inserting a restart marker which indicates an expansion starting point of compressed image data at occurrence of a data error; (section 0022; a restart interval of 256 pixels or 16 MCUs)

-- an image compression processing portion which compresses image data after inserting said restart marker in a head of said image data corresponding to one scanning line based on said restart interval specified in said specification portion; (sections 0028, 0036; Restart markers (can be inserted at the head as well as tail of a block line. When restart markers are inserted at the head, the image data of 16 MCUs are then compressed.)

-- wherein said specification portion, comprises:

- a setting register group which stores the number of horizontal pixels of said image data and an interval of said scanning line in which said restart marker is inserted; (sections 0022, 0024, Figs. 3-4; The control section 521 has CPU, ROM, and RAM; To determine that the number of the trips to be 16 by dividing 4096 (pixel number in a line) with 256, the number of horizontal pixels shall be stored first in a memory inside the PCU. Furthermore, the width of 16 pixels (the interval) of a MCU shall also be stored.)

- a restart interval calculation portion which calculates said restart interval based on said interval of the scanning line and the number of said horizontal pixels which are stored in said setting register group. (sections 0022, 0024, Figs. 3-4; The control section 521 has CPU, ROM, and RAM; The width of a strip, that is the width of a unit of restart interval, is calculated based on the width of the MCU because the width shall equal an integer number of width of the MCU. The individual interval for inserting restart markers is based on the number of the trips that is determined based on the number of horizontal pixels, for example at 256, 256 x 2, 256 x3 pixels.)

The above passages also teaches the corresponding method of Claims 6-7.

### ***Allowable Subject Matter***

7. The interpreted Claims 3-5 and 8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art fails to teach the apparatus of Claim 3 and the method of Claim 8 that specifically comprise the following features in combination of other limitations:

-- wherein said setting register group, comprises:

- a restart line interval setting register which stores said *scanning line interval* that represents a number of lines for inserting said restart marker;

- a horizontal level setting register which stores the number of the horizontal pixels of said image data,

-- said restart interval calculation portion *calculates said restart interval based on the number of the horizontal pixels* stored in horizontal level setting register and *said scanning line interval* stored in said restart line interval setting register.

### ***Conclusion***

8. The prior art made of record in form PTO-892 and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications. TC 2600's customer service number is 703-306-0377.

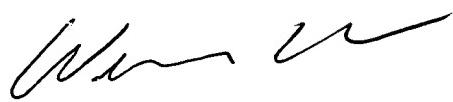
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Wenpeng Chen  
Primary Examiner  
Art Unit 2624

June 25, 2004

A handwritten signature in black ink, appearing to read "Wenpeng Chen".